

THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

KEVIN P. PARKER, et al.

Application No. 10/800,951

Filed: March 15, 2004

For: **BINDER STRIP CASSETTE**

Group Art Unit: 1734

Examiner: Osele, Mark A.

**SUPPLEMENTAL  
INFORMATION  
DISCLOSURE  
STATEMENT**

400 Montgomery Street  
Suite 1110  
San Francisco, CA 94104  
(415) 433-2250

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 6, 2006.

GIRARD & EQUITZ LLP

Date: 02/06/06

By: 

Jacob S. Zweig

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ before the mailing of the first Office Action, after the filing of a Request for Continued Examination, under §1.114.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

(d) ☒ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) **or** a certification as specified in 37 CFR § 1.97(e), as checked below.

(e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

(f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

(g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith:

(h) ☒ each (i) ☐ none (j) ☐ only those listed below

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application no. , filed and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (k) ☐ not given
- (l) ☒ given for each listed item (see below)
- (m) ☐ given for only non-English language listed item(s)  
[Required]
- (n) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

**Planax admitted prior art comments:** The attached photo shows a Planax binder strip product which Applicants admit is prior art. The product includes a continuous roll of several heat activated thermal binder strips wound around a cylindrical core, with the strips being separated by perforations. The roll is disposed within a box, with a free end of the roll extending out of the box through a small opening. A user manually removes one or more strips by pulling the free end extending out of the opening and then separates the strips from the remainder of the roll in the box by tearing the perforations.

**WO 2005/065960 A1 comments:** Prior to the March 15, 2004 filing date of the present application, Applicants had knowledge that the "Applicants (for all designated States except US" named on the first page of the WIPO publication, or perhaps related entities, were designing a binder strip cassette similar to

that shown in Fig. 13 of the WIPO publication. Although Applicants had seen drawings of the binder strip cassette being designed prior to March 14, 2005, as of the present date Applicants have no knowledge of the existence any physical embodiment of the cassette, including any prototypes.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

[X] The Commissioner is hereby authorized to charge our Deposit Account No. **50-1697** for any fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

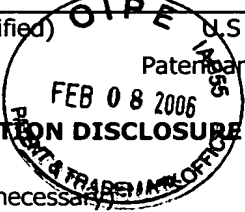
Dated: Feb. 6, 2006

By 

Philip A. Girard  
Registration No. 28,848  
Tel. No. 415/433-2250

Attorney for Applicant

Our File: PRKR-4700

FORM PTO-1449 (Modified) (Rev. 7-80)		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No.  PRKR-4700		Appln. No.  10/800,951	
 <b>INFORMATION DISCLOSURE CITATION</b>				(Use several sheets if necessary)			
				Applicant(s) KEVIN P. PARKER, et al.			
				Filing Date March 15, 2004		Group 1734	
<b>U.S. PATENT DOCUMENTS</b>							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
<b>FOREIGN PATENT DOCUMENTS</b>							
*Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation YES NO
	AM	WO 2005/065960 A1	12/06/04 Int. Filing Date	WIPO	B42C 1	00	<input checked="" type="checkbox"/> X
<b>OTHER DOCUMENTS</b>							
	AN	Planax ®"Thermo Binding Strips" manufactured by Planatol Klebetechnik GmbH, Rohrdorf-Thansau, Germany. (ADMITTED PRIOR ART)					
	AO						
Examiner					Date Considered		
* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							